

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

PREAMBLE

1. **Sections Affected**

R3-2-203	<u>Rulemaking Action</u>
R3-2-203	Renumber
R3-2-204	Amend
R3-2-208	Amend
R3-2-208	Renumber
R3-2-208	Amend
R3-2-209	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 3-1203

Implementing statute: A.R.S. §§ 3-1339, 3-2002, 3-2004, 3-2050
3. **A list of all previous notices appearing in the Register addressing the adopted rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 793, March 27, 1998, and 4 A.A.R. 932, April 17, 1998.
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Shirley Conard, Rules Specialist

Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420
5. **The explanation of the rule, including the agency's reasons for initiating the rules:**

R3-2-203. Licenses; Registration; Records. This Section describes the type of business that may purchase a slaughter or meat license and specifies the requirements for records maintenance. A.R.S. § 3-1339 establishes a mobile slaughtering unit and a locker plant as a slaughtering facility but does not define what they are or specify the type of license required. This rulemaking further clarifies slaughter licenses and sets up 2 types of exempt slaughterers.

The exempt slaughter license category establishes the circumstance whereby a mobile or a non-mobile exempt slaughtering operation may slaughter livestock for another. Although the Code of Federal Regulations (CFR), adopted in R3-2-202, does not provide for exempt mobile operations, the CFR does allow an animal to be slaughtered either by its owner, or delivered to another person who may slaughter the animal and return the meat to the owner. This later category is subject to minimum facility and sanitation requirements. In order to stay within the guidelines of the CFR and not jeopardize the Department's "equal to federal status," the Department must limit where a mobile exempt slaughterer operates. If the mobile exempt slaughterer operates in a location other than the owner's property, then the owner is "delivering" the animal to the exempt slaughterer and the slaughterer is subject to the minimum facility and sanitation requirements. Consequently, mobile exempt slaughtering activity is

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limited to the property of the owner of the animal.

R3-2-204. Official Slaughter Establishment. This Section establishes the slaughtering requirements for an official slaughter establishment. This rulemaking establishes that 180° water is required for cleaning inspection equipment and other equipment, floors, and walls that are subject to contamination on the kill floor.

R3-2-208. Diseased and Injured Animals. This Section sets the requirements for the processing, sale or storage of diseased animals, and establishes that an otherwise healthy injured animal may be slaughtered at an official slaughter establishment, or, if inspected and approved by a livestock officer by an exempt slaughterer. This Section also provides for a waiver to the pre-slaughter inspection by a livestock officer if, in the officer's judgement, an inspection is not required to ensure the public health. Under circumstances of a waiver, the exempt slaughterer will be required to confirm the body temperature and condition of the animal before slaughter. This change addresses confusion among some members of the livestock community who are unclear as to when slaughter must take place in an official slaughter establishment and when exempt slaughtering may be used.

R3-2-209. Exempt Non-mobile Slaughter Establishment. This Section establishes the requirements for exempt slaughter establishments that are non-mobile. These requirements are necessary to ensure the safe and sanitary handling of animals being slaughtered in this type of an establishment.

6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material.**
None.

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not Applicable.

8. **The preliminary summary of the economic, small business, and consumer impact:**
A. *Estimated Costs and Benefits to the Arizona Department of Agriculture.*

This rulemaking will have no impact on the Arizona Department of Agriculture.

- B. *Estimated Costs and Benefits to Political Subdivisions.*

Political subdivisions of this state are not directly affected by the implementation and enforcement of this proposed rulemaking.

- C. *Businesses Directly Affected By the Rulemaking. (Exempt Processing Slaughterhouses, Mobile Slaughter Units, and Locker Plants.)*

The businesses affected by this rulemaking are those that are currently operating as exempt non-mobile slaughterers not meeting minimum facility requirements, and exempt mobile slaughterers that are slaughtering in fixed locations without meeting the minimum facility requirements. These operations will be forced to desist operations, conduct slaughtering operations on the property of the animal's owner, or invest in a facility or facility improvements to meet the exempt slaughter facility minimum requirements.

The minimum facility requirements for exempt non-mobile slaughter establishments are listed in R3-2-209, this rule package, and in the Code of Federal Regulations previously adopted in R3-2-202. These minimum requirements ensure that meat prepared for human consumption by someone other than the actual owner of the animal, is wholesome and safe to consume.

Although the slaughtering of animals by exempt mobile slaughterers is unsanitary and unwholesome due to contamination of meat products by such things as dust and flies and an inability to sanitize with 180° water, these operations are not specifically prohibited in the CFR. The CFR provides for a person who slaughters his own animal for his own use, or who delivers it to another who slaughters the animal and returns it to the owner for the owner's own use, providing this person (slaughterer) meets minimum facility requirements. The Department is not proposing facility requirements for exempt mobile slaughterers providing the slaughtering occurs on the property of the animal owner. In essence, the exempt mobile slaughtering operation is assisting the animal owner to slaughter the owner's animal on the animal owner's property. Once the exempt mobile slaughtering operation ceases to conduct operations on the premise of the animal owner, the Department is obligated to regulate the operation and ensure that this person meets minimum facility requirements and is specifically required in the CFR.

Businesses conducting operations contrary to Department regulations will be forced to change the way they operate or cease conducting business. It is expected that some operations will make the investment in facilities to meet minimum requirements and others will close operations. The Department's primary concern is for the health and welfare of the public that uses the services of exempt slaughterers. A second and equally significant concern of the Department is the continuation of a federally certified meat and poultry inspection program that is "equal to" the program conducted by the U.S. Department of Agriculture (USDA). Should the Department not enforce regulations equal to federal regulations, the USDA may elect to take over all inspection activities in the state. This would negatively impact the nearly 100 operators under continuous government inspection that currently use the inspection services of the Department's meat and poultry inspection program.

- D. *Estimated Costs and Benefits to Private and Public Employment.*

This rulemaking will have no impact on private and public employment.

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E. Estimated Costs and Benefits to Consumers and the Public. (Includes 4H and FFA animal owners.)

The options for the public who are currently using the services of exempt slaughterers who do not meet the minimum facility requirements are to enlist the services of an exempt mobile slaughterer at the animal owner's property, to transport the animal to an exempt slaughter establishment that meets the minimum facility requirements, or transport the animal to an official slaughter facility. One or more of these options are available in every location in this state.

The Department recognizes that this rulemaking, in clarifying how exempt slaughterers may conduct business, restricts the slaughtering of 4-H and FFA animals sold during or after the show. Since the rulemaking prohibits the slaughtering by an exempt slaughterer at any location other than the property of the owner, if the purchaser of a show animal is a private individual or a business without adequate property for slaughtering, these animals will now have to be slaughtered at an official establishment or an exempt non-mobile establishment meeting the minimum facility requirements. In view of the restrictions on exempt slaughtering found in the CFR and the adverse public health implications in allowing exempt slaughtering to occur off the property of the owner in unsanitary conditions, the Department is committed to requiring all exempt slaughtering, whether for 4-H, FFA, or private individuals, to take place in an establishment meeting the minimum facility requirements, or take place on the property of the owner.

By requiring exempt slaughterers to meet the minimum facility requirements, the Department ensures that meat products, even though not sold to the general public, consumed by the animal owner is wholesome and prepared using sanitary facilities. In this case, the public benefit far outweighs the negative impact on requiring the few operations to comply.

Benefits to the consumers would arise from the Department being able to ensure that meat prepared by exempt non-mobile slaughterers for animal owners is wholesome and prepared in a sanitary facility. This protects the consumer from disease exposure to meat that has been unwholesomely slaughtered should the consumer mishandle the meat at home or neglect to cook the meat to a sufficiently high temperature to render disease-causing bacteria noninfectious.

F. Estimated Costs and Benefits to State Revenues.

This rulemaking will have no impact on state revenues.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Shirley Conard, Rules Specialist
Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, Arizona 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled where when, and how persons may request an oral proceeding on the proposed rules:

Date: March 15, 1999
Time: 2 p.m.
Location: Arizona Department of Agriculture
1688 West Adams, Room 206
Phoenix, Arizona 85007
Nature: Oral Proceeding

Written comments on the proposed rules or preliminary economic, small business, and consumer impact statement must be received by 4:30 p.m., March 16, 1999. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the department's coordinator, Patrick Stevens, (602) 542-4316 (voice) or 1-800-367-3839 (T.D. Relay). Requests should be made as early as possible to allow time to arrange the accommodation.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None.

13. The full text of the rules follows:

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TITLE 3. ARIZONA DEPARTMENT OF AGRICULTURE
CHAPTER 2. ANIMAL SERVICES DIVISION

ARTICLE 2. MEAT AND POULTRY INSPECTION

Section

~~R3-2-208, R3-2-203, Licenses; Registration; Records~~

~~R3-2-204, Slaughterhouse Requirements Official Slaughter Establishment~~

~~R3-2-203, R3-2-208, Diseased and Injured Animals~~

~~R3-2-209, Exempt Non-mobile Slaughter Establishments~~

ARTICLE 2. MEAT AND POULTRY INSPECTION

~~R3-2-208, R3-2-203, Licenses; Registration; Records~~

A. Any person operating a business in any of the following categories shall obtain the appropriate license from the Department.

1. Types of slaughter licenses.

a. Official slaughter – the slaughtering of animals in a slaughterhouse for sale for human consumption.

b. Exempt slaughter.

i. Exempt non-mobile slaughter – the slaughtering or dressing of animals on an animal in a stationary building for human consumption, which are that is not to be sold or offered for sale.

ii. Exempt mobile slaughter – the slaughtering or dressing of an animal by using a mobile structure on the property of the animal's owner for human consumption, that is not sold or offered for sale.

2. Types of meat licenses.

a. Broker – any person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat or poultry food products, or by-products from state or federally inspected establishments on commission or otherwise negotiating purchases or sales of ~~such articles~~ these products other than for the broker's own account or as an employee of another person.

b. ~~Custom-exempt~~ Exempt – any person, firm or corporation engaged in the business of processing meat or poultry products without meat inspection for the individual owner of the meat and not for sale.

c. Distributor – any person, firm or corporation engaged in a business of receiving carcasses, parts of carcasses, meat or poultry food products, or by-products from state or federally inspected establishments and storing or distributing ~~properly identified~~ these products to commercial outlets, processors, or individuals, and who conducts no processing.

d. Jobber – any person, firm or corporation with an established place of business who buys meat or poultry food products and offers it for sale to ~~some-one~~ one other than the ultimate customer.

e. Pet food manufacturer – any person, firm or corporation engaged in the business of manufacturing animal food from meat or poultry ~~that is unfit~~ for human consumption.

f. Processor – any person, firm or corporation who changes meat or poultry food products in any way by cutting, mixing, blending, canning, curing or

otherwise preparing meat or meat food products for wholesale for human consumption.

g. Renderer – any person, firm or corporation who renders and tallows and any person, firm or corporation engaged commercially in the hide, hair, or pelt removal, cutting up or rendering of animals.

B. Applications for a license or registration pursuant to A.R.S. § 3-2081(A), shall be made on forms provided by the Department and shall contain the following information:

1. The name and social security number of the applicant and the applicant's partners, if any;

2. The business name and mailing address;

3. The exact location of the business, if different than subsection (B)(2).

C. All persons licensed or registered under this Section, and all other persons described in A.R.S. § 3-2081, shall maintain the records required under A.R.S. § 3-2081 for a minimum of ~~one~~ 1 year. In addition, all registered dead animal haulers, and licensed rendering and tallow plants, and pet food manufacturing plants shall prepare and submit the reports required under A.R.S. § 3-2695 and shall include copies of those reports as part of their records maintained under this rule and A.R.S. § 3-2081.

~~R3-2-204, Slaughterhouse Requirements Official Slaughter Establishment~~

In addition to the requirements in A.R.S. § 3-2051, the following shall be provided when slaughtering cattle, calves, sheep, and hogs:

1. No change.

2. No change.

3. No change.

4. No change.

5. No change.

6. No change.

7. No change.

8. No change.

9. No change.

10. No change.

11. No change.

12. No change.

13. Water supply, wash basins, sterilizing facilities.

a. Hot and cold running water, under pressure, shall be available at all parts of the plant and in conformity with the requirements of the Arizona Department of Health Services. The hot water used for sterilizing equipment, floors, and walls subject to contamination by the dressing procedure or handling of diseased carcasses, their viscera, and other parts, shall be at least 180° F. A thermometer shall be installed to verify the temperature of the water at the point of use. Cleanup A cleanup hose shall be provided.

b. Foot-pedal operated wash basins shall be placed in or near dressing rooms. These wash basins shall be equipped with running hot and cold water, delivered through a combination mixing faucet with an outlet 12 inches above the rim of the bowl. The drainage outlet shall lead directly into the drain of the sewage system. Soap and towels, and a receptacle for dirty paper towels or other trash, shall be convenient to the wash basin.

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- c. One or more wash basins shall be located in the slaughtering department, and one 1 or more in the sausage manufacturing room and at such ~~any~~ other places in the establishment as ~~may be~~ essential to ~~insure~~ ensure cleanliness of all persons handling products. ~~These~~ The wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet 12 inches above the rim of the bowl. ~~They~~ The water delivery shall be foot-pedal operated, and the drainage outlet shall lead directly into the sewage lines. Soap and disposable towels shall be convenient to the wash basins.
- d. Water for sterilizing purposes shall be maintained at a temperature of at least 180° F. One or more sterilizing receptacles of rust-resisting, impervious material shall be placed at convenient locations in the slaughtering department for the sterilization of all implements which have been contaminated or ~~which have been~~ used on a diseased carcass or part of a carcass. The sterilizer shall be equipped with a cold water and steam line, or other means to maintain water at a temperature of at least 180° F. during all slaughtering operations. The sterilizer shall also contain a drain so that water may be completely drained out for daily cleaning of the sterilizer. Equipment such as boilers, and water heaters shall not be located in the slaughtering department or in any edible products department. To prevent possible back siphonage, vacuum breakers shall be provided on all steam and water lines when the open ends are submerged or connected to equipment.
14. No change.

R3-2-203, R3-2-208. Diseased and Injured Animals

A. Diseased animals.

1. No meat from any diseased animal shall be processed, sold or stored at premises where food is sold or prepared for human consumption, unless it has been decharacterized and clearly and properly identified "Not for Human Consumption," and decharacterized.

B-2. Subsection (A)(1) shall not apply to meat from animals affected by any disease which does not ordinarily render ~~such the~~ meat unfit for human consumption provided the animals ~~so~~ affected have been slaughtered in establishments where meat inspection is maintained pursuant to under A.R.S. § 3-2044 3-2051 or and 9 CFR, Chapter III, Subchapter A, which has been incorporated by reference in R3-2-202(A).

C.B. Injured animals. ~~Animals which do not appear healthy shall not be transported or delivered to or accepted by any exempt slaughter establishment, pursuant to A.R.S. § 3-2050. Animals which are freshly injured by accident or other means but are otherwise healthy, may be slaughtered without inspection if they are for the owner's personal use. Injured animals may be slaughtered by:~~

1. The animal's owner at the owner's premise if the meat is used solely for home consumption by the owner, the owner's immediate family or employees. The animal's hide shall be kept until it has been inspected and marked or tagged by a livestock officer pursuant to A.R.S. § 3-2011.
2. An official slaughter establishment, if

- a. The animal is inspected by a livestock officer at origin, or
 - b. The animal is moved to an official slaughter establishment with a self-inspection certificate pursuant to 3 A.A.C. 2, Article 7; or
 - c. The animal is moved to an official slaughter establishment with a waiver from the Associate Director and the waiver is documented by the livestock officer.
3. An exempt slaughterer, when the meat is used solely for home consumption by the animal's owner, the animal owner's immediate family or employees, if:
- a. The animal's body temperature is 103° or less and except for the injury its condition appears normal; and
 - b. The animal is inspected by a livestock officer at origin who verifies temperature and condition of the animal and approves it for slaughter; or
 - c. The Associate Director waives the inspection and the waiver is documented by the livestock officer, and the exempt slaughterer verifies the temperature and condition of the animal.

R3-2-209. Exempt Non-mobile Slaughter Establishments
In addition to A.R.S. § 3-2050 and the material incorporated in R3-2-202(A), the following shall be provided when slaughtering animals in an exempt non-mobile slaughter establishment:

1. General.

- a. A metal knocking box or concrete box with metal door to confine the animals before stunning.
- b. A distance of at least 3 feet from the header rail to the adjacent wall.
- c. A bleeding rail with its top at least 16 feet above the floor.
- d. Dressing rails and cooler rails placed so the lowest part of the carcass is at least 12 inches from the floor.

2. Coolers. A chill cooler and separate holding coolers may be provided or both may be combined in 1 unit. The walls shall be light colored, smooth, free from cracks, and impervious to moisture. The door between the slaughtering department and the chill cooler shall be clad with rust-resistance material. Rails shall be spaced at least 2 feet from walls, columns, refrigeration equipment, or other fixed equipment to prevent contact with the carcasses.

3. Disposal of blood. When blood is not permitted to drain into the sewage system, it may be collected in a metal tank and removed from the premises.

4. Drainage.

- a. Floors that require flushing during operations shall have sloped floor drains to carry off the effluent. Drainage systems shall conform to local plumbing codes.
- b. Grease recovery systems shall not mask odors or create a harborage for pests.

5. Ventilation and lighting. Natural ventilation may be supplemented by artificial means and shall be sufficient to ensure the absence of dust, masking odors, or steam vapors. To ensure adequate lighting at all times and at all places, natural lighting shall be supplemented by well-distributed artificial lighting.

6. Water supply, wash basins, sterilizing facilities.

- a. Hot and cold running water, under pressure, shall be available in all parts of the plant and in confor-

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comply with the requirements of the Arizona Department of Health Services. The hot water used for sterilizing equipment, floors, and walls subject to contamination by the dressing procedure or handling of diseased carcasses, their viscera, and other parts, shall be at least 180° F. A thermometer shall be installed to verify the temperature of the water at the point of use. A cleanup hose shall be provided. One or more wash basins shall be located in the slaughtering department. The wash basins shall be equipped with hot and cold running water, delivered through a combination mixing faucet with an outlet 12 inches above the rim of the bowl. The water delivery shall be foot-pedal operated, and the drainage outlet shall lead directly into the sewage

lines. Soap and disposable towels shall be convenient to the wash basins.

c. The tool sterilizer shall be maintained at 180° F. and be in operation at all times during slaughter activities.

7. Protection against flies, rodents, or other vermin.

a. Plants shall be free of flies, rats, mice, roaches, and other pests or vermin. The plant shall be constructed and maintained to prevent entrance of pests to the premises and to eliminate breeding places from the surrounding area and in the establishment.

b. Animal handling facilities such as stock pens and runways shall be cleaned and the manure or other waste materials removed shall not accumulate at or near the plant.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

PREAMBLE

Rulemaking Action Amend

1. Sections Affected
R4-23-703
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statutes: A.R.S. § 32-1904(A)(1).
Implementing statutes: A.R.S. § 32-1904(A)(1).
3. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening: 1 A.A.R. 1157, July 21, 1995.
4. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Dean Wright, Compliance Officer
Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015
Address: (602) 255-5125, Ext. 131
Telephone: (602) 255-5740

5. An explanation of the rule, including the agency's reasons for initiating the rule:
In June of 1995, the Board staff identified certain rules that were outdated or contained outdated language or citations. The sheltered care home rule (R4-23-703) meets those criteria. The rule has several citations to Department of Health Services (DHS) rules that no longer exist and the rule heading (sheltered care homes) is no longer used by DHS. During the process of amending our rule, the Office of Health Care Licensure at DHS began rewriting their rules for residential care institutions. The term residential care institutions includes assisted living facilities which is the current term for sheltered care homes. The rulewriting process at DHS was not finalized until the fall of 1998. Our assisted living facilities rule compliments the current DHS rules in Title 9, Chapter 10, Article 7. The rule addresses format and style changes necessary under the current administrative procedures act and other necessary language changes to provide a clear, concise, and understandable document.

The heading of R4-23-703 is amended to read "Assisted Living Facilities". The citations in subsection (A) are deleted and the subsection now states that assisted living facilities are licensed by DHS. The language in subsection (B) is updated and expanded to better clarify the requirements a pharmacy shall meet to service assisted living facility patients, including a new requirement to obtain and maintain a copy of an assisted living facility's DHS license. Subsection (C) is amended with more concise and understandable language, including a new requirement to put a beyond-use-date on the prescription label of assisted living facility patients. Subsections (D) through (F) are amended using more clear, concise, and understandable language. Subsection (G) is deleted because it is not necessary.

The Board believes that approval of the rule will benefit the public health and safety by establishing pharmacy practice standards specific to the servicing of assisted living facilities. The Board further believes that specific regulation and enforcement

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are necessary to protect the health and safety of patients in assisted living facilities.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:
None.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
8. The preliminary summary of the economic, small business, and consumer impact:
Most of the changes to the rule involve format, style, and wording for conciseness and understandability. There are 2 substantive changes that establish additional labeling and recordkeeping requirements. Specifically, the beyond-use-date is required on the prescription label of assisted living facility patients and a pharmacy shall obtain and maintain a copy of an assisted living facility's current Department of Health Services license. These 2 requirements may involve additional cost to a pharmacy. These costs will be minimal. The majority of pharmacies that service assisted living facility patients already provide the beyond-use-date on the prescription label. Those pharmacies that do not provide the beyond-use-date can easily type in the information. The cost to obtain and maintain a copy of a facility's DHS license is also minimal. Again, the majority of pharmacies that service assisted living facilities already obtain and maintain a copy of the facility license. The rule benefits public health and safety by establishing practice standards intended to enhance drug delivery to assisted living facility patients and encourage pharmacist involvement in establishing drug control policies and procedures within assisted living facilities.
9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
Name: Dean Wright, Compliance Officer
Address: Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015
Telephone: (602) 255-5125, Ext. 131
Fax: (602) 255-5740
10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
Comments may be written or presented orally. Written comments must be received by 5 p.m., Monday, March 15, 1999. An oral proceeding is scheduled for:
Date: March 15, 1999
Time: 10 a.m.
Location: Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015

A person may request information about the oral proceeding by contacting the person listed above.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
None.
13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

**ARTICLE 7. NON-PHARMACY LICENSED OUTLETS -
GENERAL PROVISIONS**

**ARTICLE 7. NON-PHARMACY LICENSED OUTLETS -
GENERAL PROVISIONS**

Section

R4-23-703. Assisted Living Facilities Sheltered care homes

R4-23-703. Assisted Living Facilities Sheltered care homes

- A. Assisted living facilities Sheltered care homes are licensed by the state Department of Health Services. Sheltered care homes are licensed by state Department of Health Services and are subject to that Department's rules and regulations for licensing of sheltered care homes, Article 4, Part 5, Section 4-5-12 pertains to medical care, nursing and other services.

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Section 4-5-13 pertains to supervision and care of medication and patient records.

B. A pharmacy shall:

1. Only dispense, sell, or deliver a prescription or nonprescription drug to an assisted living facility resident after receiving a prescription order for the drug from the resident's medical practitioner;
2. Label, in accordance with A.R.S. §§ 32-1963.01 and 32-1968, all drugs dispensed, sold, or delivered to an assisted living facility resident;
3. Obtain a copy of the current Arizona Department of Health Services license issued to an assisted living facility before dispensing drugs to that facility's resident; and
4. Maintain, for inspection by Board compliance officers, a file containing the license copy required in subsection (B)(3). Drugs in sheltered care home on prescription orders for individual patient, except for simple household medicines. Pharmacists shall not sell or deliver drugs to sheltered care homes, other than simple household medication, except on prescription order for the individual, dispensed, serially numbered and labeled for that individual.

- C. In addition to the labeling requirements of A.R.S. §§ 32-1963.01 and 32-1968, the label on a prescription medication for a resident in an assisted living facility shall include the name, strength, and quantity of the drug and a beyond-use-date. Label of prescription medication: The label on prescription medication for patients in sheltered care homes shall bear the name of drug, strength, and quantity in container, in addition to ordinarily required prescription order number, patient's name, date dispensed, medical practitioner's name, name and address of pharmacy and directions for use.

- D. If the label on an assisted living facility resident's drug container becomes damaged or soiled, a pharmacist employed by the pharmacy that dispensed the drug container, through the exercise of professional judgement, may relabel the drug container. Pharmacists required to relabel medication: Pharmacists, at their professional discretion, shall relabel medications with damaged or soiled labels in sheltered care homes. Only a pharmacist is permitted to label a drug container or alter the label of a drug container.

- E. Pharmacists should assist sheltered care homes in drug control. Pharmacists A pharmacist may help assisted living facility should assist sheltered care home personnel with the development of written policies and procedures for the procurement, administration, storage, control, record keeping, and disposal of drugs in the facility in questions concerning the storage, record keeping, classification of drugs, security requirements, pharmaceutical action, drug interaction, dosage, laws, and other information concerning drugs that assisted living facilities nursing homes should have for safe and effective supervision of drug self-administration of drugs.

- F. No rebates to sheltered care homes: A The pharmacist shall not pay any rebate to an assisted living facility a sheltered care home according to R4-23-404 and A.R.S. § 32-1932(B)(1).

- G. Security of drugs: Pharmacists, when dispensing narcotics or dangerous drugs, shall alert sheltered care home personnel that laws governing such drugs require that the sheltered care home personnel keep them locked in a separate cabinet, and accurate records be kept of their administration or ultimate disposition.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 16. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY ASSURANCE REVOLVING FUND**

PREAMBLE

- | 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
|--|---|
| R18-16-201 | New Section |
| 2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u> | |
| Authorizing Statute: A.R.S. §§ 49-104, 202, 203, and 287.01. | |
| Implementing Statute: 1997 Ariz. Sess. Laws, Ch. 287, § 56. | |
| 3. <u>A list of all previous notices appearing in the Register addressing the proposed rule:</u> | |
| Not applicable. | |
| 4. <u>The name and address of agency personnel with whom persons may communicate regarding the rulemaking:</u> | |
| Name: | Tim Steele |
| | Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012-2809 |
| Telephone: | (602) 207-4224 |
| Fax: | (602) 207-4236 |

Arizona Administrative Register
Notices of Proposed Rulemaking

5. **An explanation of the rule, including the agency's reasons for initiating the rule:**

Ariz. Sess. Laws (1997), Ch. 287, § 56 requires the Director to adopt in interim rule the Eligibility and Evaluation Site Scoring Model that was established by the Department of Environmental Quality in 1996.

This interim rule is exempt from Title 41, Chapter 6, Article 3, Arizona Revised Statutes, with the exception that the Department shall submit the rule for publication and the Secretary of State shall publish the rules in the *Arizona Administrative Register*. There shall be a 60-day comment period for interested persons to comment on the proposed rules after publication. The rule is subject to review and approval by the Attorney General pursuant to A.R.S. § 41-1044.

6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

Groundwater Cleanup Task Force, Final Report, December 1996, Appendix C. The report is available at the Department of Environmental Quality, 3033 North Central Avenue, Phoenix, 85012.

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

8. **The preliminary summary of the economic, small business, and consumer impact:**

Not applicable.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Tim Steele
Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012-2809
Telephone: (602) 207-4224
Fax: (602) 207-4236

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled where when, and how persons may request an oral proceeding on the proposed rules:**

Public comment will be noted, however 1997 Ariz. Sess. Laws, Ch. 287, § 56 clearly demands that the Department adopt the Eligibility and Evaluation Site Scoring Model as it existed on October 3, 1996. All final rules developed by the Department will be subject to public comment.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

12. **Incorporations by reference and their locations in the rules:**

The Eligibility and Evaluation Site Scoring Model as established by the Arizona Department of Environmental Quality on October 3, 1996. This incorporation by reference contains no further editions or amendments of this model. Copies of this Model are located at:

Contact person: Tim Steele
Address: Arizona Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012-2809
Telephone: (602) 207-4224
Fax: (602) 207-4236

13. **The full text of the rule follows:**

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 16. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY ASSURANCE REVOLVING FUND**

**ARTICLE 2. INVESTIGATION, SCORING, AND SITE
REGISTRY**

Section

R18-16-201. Preliminary Investigation: Site Scoring

**ARTICLE 2. INVESTIGATION, SCORING, AND SITE
REGISTRY**

R18-16-201. Preliminary Investigation: Site Scoring

To determine the potential risk to the public health or welfare or the environment in order to score a site or portion of a site, the

Arizona Administrative Register
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Director shall use the Eligibility and Evaluation Site Scoring Model as established by the Department on October 3, 1996. The Eligibility and Evaluation Site Scoring Model as established on October 3, 1996, is incorporated by reference. This incorporation by reference does not include any later amendments or editions. A copy of the incorporated material is available for inspection at the

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, Arizona 85012-2809 and the Office of the Secretary of State. A copy of the incorporated material can be obtained from the Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, Arizona 85012-2809.